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Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

March 25th, 2020

Re: Idaho Rivers United comments on Negotiated Rule Draft No. 5 of Ore Processing by
Cyanidation: Docket No. 58-0113-1901

Thank you for considering our comments on the Negotiated Rule Draft No. 5.

Idaho Rivers United (IRU) is a 501(c)3 nonprofit environmental advocacy organization that is dedicated to protecting Idaho rivers and restoring our native fish populations. For almost 30 years, IRU has been working to defend Wild and Scenic rivers, advocate for endangered and threatened aquatic species, reform hydropower policy and promote enhanced water quality in all of Idaho's rivers.

IRU represents 3,500 river-loving, environmentally attuned members throughout Idaho and beyond. Our members and supporters expect protection of rivers for their ecological, scenic and recreational values. Therefore, our mission is to execute outstanding and thorough river preservation and conservation work to ensure environmental integrity of all of Idaho's river and citizens.

On behalf of our members and our rivers, we appreciate the opportunity to participate in the rulemaking process. Our comments are included in this letter, thank you.

Sincerely,

A handwritten signature in black ink that reads "Reese R. Hodges".

Reese Hodges
Conservation Associate
Idaho Rivers United
(208) 343-7481 reese@idahorivers.org

200.02 Cyanidation Facilities Siting and Preparation

Additional geophysical risks should be assessed to ensure that any containment system is appropriately sited and can be adequately protected. In addition to the factors already listed, this should include a 100-year flood event, and an assessment of site-specific avalanche hazards. Any avalanche event would undoubtedly compromise water balance of tailings impoundments, processing ponds, and pose serious risk to structures. In addition, any debris from an avalanche event could potential damage a liner system. Avalanches pose a true risk at multiple proposed mine sites that would require a cyanidation permit, most notable the Stibnite Gold Project.

200.04.a.v. and 204.03

We encourage DEQ to consider lowering the current threshold of 50 mg/L WAD cyanide concentration for wildlife exclusion to 30 mg/L WAD or less. We appreciate the language that allows for DEQ to require for additional measures if wildlife mortality is observed, however with the possibility of delayed mortality, observations might not be accurate. According to the International Cyanide Management Code, *“Ingestion of WAD cyanide solutions by birds may cause delayed mortality. It appears that birds may drink water containing WAD cyanide that is not immediately fatal, but which breaks down in the acidic conditions in the stomach and produces sufficiently high cyanide concentrations to be toxic.”*¹

We also ask DEQ to consider lowering the maximum cyanide WAD for tailings impoundments to 30 mg/L or less. Reducing the maximum allowable cyanide WAD in process waters or any water discharged from the cyanidation facility is imperative to protect water quality and wildlife from adverse impacts. According to the BLM Surface Management Handbook, *“the operator must exclude access by the public, wildlife, or livestock to solution containment and transfer structures that contain lethal levels of cyanide, metals, acidity, or other constituents in solution... What constitutes “lethal levels of cyanide or other solutions” under the regulations is difficult to determine. This performance standard was initially developed in response to migratory bird deaths from open ponds containing cyanide. Few bird deaths have been observed where cyanide solutions contain less than about 20 parts per million of free cyanide. While this should not be considered a definitive standard, it may be useful to identify the issue for further evaluation.”*²

The European Union has even more stringent standards of 10 mg/L WAD maximum, influenced by the 2000 disaster at a gold mine in Baia Mare, Romania *“where heavy rain, ice, and snow caused a breach in a tailings dam (tailings are the cyanide-treated ore wastes, from which gold has been removed), resulting in the release of 100.000 cubic meters of cyanide-rich waste into the surrounding watershed. Drinking water supplies were cut off for 2,5 million people in neighbouring Hungary and Serbia and hundreds of tons of fish in the Szamos-Tisza-Danube River system were killed.”*³

¹ <https://www.cyanidecode.org/cyanide-facts/environmental-health-effects>

² <https://www.blm.gov/sites/blm.gov/files/H-3809-1.pdf>

³ https://www.europarl.europa.eu/meetdocs/2009_2014/documents/envi/dv/envi20130925_info-cyanide_/envi20130925_info-cyanide_en.pdf

Article 13(6) of the Mining Waste Directive reads as follows:

*“In the case of a pond involving the presence of cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide in the pond is reduced to the lowest possible level using best available techniques and, in any case, at waste facilities which have previously been granted a permit or have already been in operation on 1 May 2008 that the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond does not exceed 50 ppm as from 1 May 2008, 25 ppm as from 1 May 2013, 10 ppm as from 1 May 2018 and 10 ppm at waste facilities which are granted a permit after 1 May 2008.”*⁴

In Oregon, state code regarding mining reads that *“In no event, shall the permitted WAD cyanide concentration in the liquid fraction of the tailings be greater than 30 ppm.”*⁵

We believe that it is in the best interest of the state of Idaho (including our waters, fish, and communities), and the mining industry, to adhere to the strictest standards for the use of cyanide for ore processing.

Idaho Rivers United has great concern for the potential impacts of cyanide leach mining to Idaho’s ESA listed Bull Trout, Chinook Salmon, and Steelhead; as well as the recreational values that our clean rivers provide. Thank you for the opportunity to submit comments during this important process.

⁴ https://www.europarl.europa.eu/meetdocs/2009_2014/documents/envi/dv/envi20130925_info-cyanide_/envi20130925_info-cyanide_en.pdf

⁵ <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=69226>